

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

BUSPATROL AMERICA, LLC

Plaintiff,

V.

AMERICAN TRAFFIC SOLUTIONS, INC.

Defendant.

Civil No. 3:18-cv-991

Jury Trial Demanded

NOTICE OF REMOVAL

Defendant American Traffic Solutions, Inc. (“ATS”) hereby removes Cause No. DC-18-04914 from the District Court of Dallas County, Texas to the United States District Court for the Northern District of Texas pursuant to 28 U.S.C. §§ 1332, 1441, and 1446. As grounds for removal, ATS states as follows:

Statement of the Case

1. On Friday, April 13, 2018, without any notice to ATS, Plaintiff BusPatrol America, LLC (“BusPatrol”) filed an Original Verified Petition and Application for Temporary Restraining Order and Injunctive Relief (the “State Court Petition”) in the Dallas County District Court, Cause No. DC-18-04914 (the “State Court Action”). A copy of the State Court Petition is attached as **Exhibit 2** to the Index of State Court Documents filed herewith.

2. On April 13, 2018, without hearing from ATS, the Dallas County District Court entered a Temporary Restraining Order. A copy of the Temporary Restraining Order is attached as **Exhibit 11** to the Index of State Court Documents filed herewith.

3. ATS was served with the Citation, Issue Notice, and Temporary Restraining Order on April 16, 2018 through its registered agent for service of process, CT Corporation System.

4. The State Court Petition purports to assert causes of action for alleged violation of the Texas Uniform Trade Secrets Act and for injunction relief.

5. The relief Plaintiff seeks includes (a) injunctive relief, (b) damages up to \$100,000.00, (c) attorneys' fees and costs, and (d) all such other and further relief requested by Plaintiff and to which Plaintiff shows it is justly entitled.

Diversity Jurisdiction Under 28 U.S.C. § 1332(a)

6. This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1332(a) because there is complete diversity of citizenship between Plaintiff and ATS and more than \$75,000.00, exclusive of interest and costs, is at stake.

7. Plaintiff alleges that it "is a limited liability company formed under the laws of the State of Delaware with its principal place of business located in Lorton, Virginia." State Court Petition at 2.

8. Upon information and belief, the members of the Plaintiff limited liability company are (a) Robert Knox, (b) David Poirier, (c) Jean Souliere, (d) Marc Thibodeau, and (e) Derek Vincent.

9. Upon information and belief, Robert Knox is a citizen of the State of Virginia.

10. Upon information and belief, David Poirier is a citizen of the State of Virginia.

11. Upon information and belief, Jean Souliere is a citizen of Canada, domiciled in the State of Texas at 2619 McKinney Ave., Apartment 1702, Dallas, Texas 75204.

12. Upon information and belief, Marc Thibodeau is a citizen of Canada, domiciled in the Canadian province of Quebec.

13. Upon information and belief, Derek Vincent is a citizen of Canada, domiciled in the Canadian province of Quebec.

14. For diversity jurisdiction purposes, Plaintiff is a citizen of Virginia and the foreign state of Canada.

15. ATS is a Kansas corporation with a principal place of business at 1150 N. Alma School Road, Mesa, Arizona 85201.

16. For diversity jurisdiction purposes, ATS is a citizen of Kansas and Arizona.

17. ATS is not a citizen of the State of Texas.

18. Because ATS is not a citizen of any state where Plaintiff is a citizen, there is complete diversity between Plaintiff and ATS in this action.

19. Plaintiff requests monetary damages of up to \$100,000.00, as well as attorneys' fees and costs. State Court Petition at 2. Plaintiff also requests a temporary restraining order, a temporary injunction, and a permanent injunction. *Id.* ("Accordingly, BusPatrol requests this Court to enter a temporary restraining order, followed by a temporary injunction and permanent injunction"). The Dallas County District Court granted Plaintiff's requested temporary restraining order *ex parte*, impairing ATS's ability to investigate and negotiate a potential business deal with the Dissolution Committee for the former Board of Dallas County School Trustees worth \$1,300,000.00. Accordingly, over \$75,000.00 is in controversy, accounting for both the monetary relief Plaintiff seeks and the value of the non-monetary relief Plaintiff has already obtained and seeks in the future, and the jurisdictional threshold under 28 U.S.C. § 1332(a) is satisfied.

All Procedural Requirements for Removal Have Been Satisfied

20. Pursuant to 28 U.S.C. § 1446(a) and Local Rule 81.1, a true and correct copy of the docket sheet in the State Court Action, each document filed in the State Court Action, and a separately signed certificate of interested persons that complies with Local Rule 3.1(c) or 3.2(e).

21. This Notice of removal has been filed within 30 days of the date that ATS was served with the Citation, Issue Notice, and Temporary Restraining Order in this matter. Removal is therefore timely in accordance with 28 U.S.C. § 1446(b).

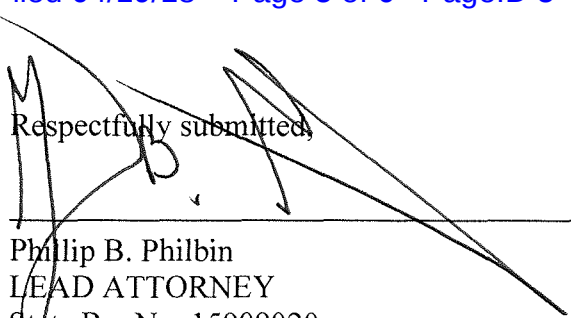
22. Venue is proper in this Court pursuant to 28 U.S.C. § 1441(a) and 28 U.S.C. § 1446(b) because the United States District Court for the Northern District of Texas is the federal judicial district embracing the District Court of Dallas County, Texas, where the State Court Action was originally filed.

Conclusion

By this Notice of Removal, ATS does not waive any objections it may have as to service, jurisdiction or venue, or any other defenses or objections it may have to this action. ATS intends no admission of fact, law, or liability by this Notice of Removal, and expressly reserves all defenses, motions, pleas, or any combination thereof.

Dated: April 19, 2018

Respectfully submitted,



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*Attorneys for Defendant
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CERTIFICATE OF SERVICE

I hereby certify that on April 19, 2018, the foregoing was electronically filed with the Clerk of Court using the CM/ECF system pursuant to Local Rule CV-5(a), which will automatically send email notification of such filing to all counsel of record. I also certify that on April 19, 2018, the foregoing was served via electronic means upon the following counsel as indicated:

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Phillip B. Philbin